

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

JEFFREY D. CORDTZ,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE
vs.	)	
	)	1:21-CV-02003-MHC-LTW
JOHNSON LEGAL OFFICES, L.L.C.,	)	
FCI LENDER SERVICES, INC. and	)	
LARRY W. JOHNSON,	)	
	)	
Defendants.	)	

**DEFENDANT JLO'S AND DEFENDANT LWJ'S  
MOTION TO STRIKE PLAINTIFF'S REPLY IN  
FURTHER SUPPORT OF ALLOWING A 3-PAGE SUR-REPLY**

COME NOW JOHNSON LEGAL OFFICES, L.L.C. ("JLO") and LARRY W. JOHNSON ("LWJ"), co-Defendants in the above-styled civil action, and hereby file their Motion to Strike Plaintiff's Reply in Further Support of Plaintiff's Motion for Leave to File 3 Page Sur-Reply (the "Motion") and show this honorable Court in support thereof as follows:

Fed. R. Civ. P. 12(f) provides that "[t]he court may strike from any pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. ..." Plaintiff cites to the Scheduling Order, Section I. D. entered on October 8, 2021, as support for his attempted Sur-Reply. However, the Scheduling Order does not address a Reply to a response in opposition to a Sur-Reply, much

less an additional brief in support of a motion as outlined in that section. Further, Fed. R. Civ. P. 15 addresses supplemental pleadings like the one requested by Plaintiff herein and does not allow for such additional pleadings. As a result, this Court should strike Plaintiff's Reply in Further Support of Allowing a 3-Page Sur-Reply.

Instead, Plaintiff again requests that this Court consider Davidson v. Capital One Bank (USA), N.A., 797 F. 3d 1309 (2015), a case that Plaintiff agrees is not on point in this civil action, and Plaintiff asks this Court again to ignore the U.S. Supreme Court (decided about four years later) that is specifically on point to this case in ruling that the enforcement of security interests via nonjudicial foreclosure proceedings is outside the scope of the definition of "debt collector" under the FDCPA. Obduskey v. McCarthy & Holthus, L.L.P., 139 S. Ct. 1029, 203 L. Ed. 2d 390 (2019). As a result, this Court should strike Plaintiff's Reply in Further Support of Allowing a 3-Page Sur-Reply, this Court should deny Plaintiff's Motion for Leave to File 3 Page Sur-Reply and this Court should proceed in granting the Defendants' Motion for Summary Judgment filed herein.

WHEREFORE, Defendant JLO and Defendant LWJ request that this honorable Court strike Plaintiff's Reply in Further Support of Allowing a 3-Page Sur-Reply, deny Plaintiff's Motion for Leave to File 3 Page Sur-Reply, grant the

Defendants' Motion for Summary Judgment filed herein and for such other and further relief as this honorable Court deems just and proper.

Respectfully submitted this 5<sup>TH</sup> day of July, 2022.

JOHNSON LEGAL OFFICES, L.L.C.

By: 

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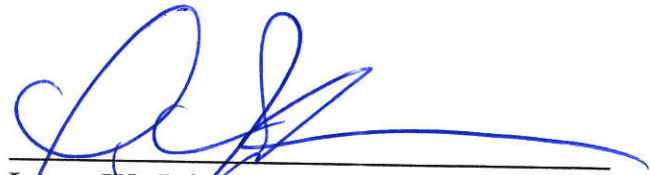
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing DEFENDANT JLO'S AND DEFENDANT LWJ'S MOTION TO STRIKE PLAINTIFF'S REPLY IN FURTHER SUPPORT OF ALLOWING A 3-PAGE SUR-REPLY was served upon all parties electronically via the Court's system, plus the following who was also served by mailing same by United States First Class Mail (or better) in a properly addressed envelope with adequate postage affixed thereon to ensure delivery, addressed as follows:

Shimshon Wexler, Esq.  
S WEXLER, L.L.C.  
2244 Henderson Mill Road  
Suite 108  
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Attorney for Plaintiff

This 5<sup>th</sup> day of July, 2022.

  
\_\_\_\_\_  
Larry W. Johnson  
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Defendant LWJ

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